

# STATE OF NEW HAMPSHIRE

## PROBATE COURT

### PROCEDURE BULLETIN 8

#### **RELATIVE TO: Failure to Pay Default/Citation Fees; Order to Show Cause Under RSA 548:5-a**

**This procedure bulletin is prepared for informational purposes in processing case files. It is not intended to provide parties with legal advice.**

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RSA 548:5-a provides for default/citation notices and fees for the failure to file an inventory, account of administration, annual report, statement of voluntary administration, or waiver of administration affidavit.

#### **Failure to Pay Default/Citation Fees**

If a default and/or citation notice has been issued, and the subject document required by law has been filed in the court, and there is a failure to pay the default/citation fees, the court will:

- Enter the document into the case management system;
- Schedule a hearing on the matter; and
- Send a Notice of Hearing to the attorney and/or fiduciary, stating that the default/citation fees must be paid in full on or before the hearing date or the attorney and/or fiduciary will be required to personally appear in court at the hearing.

If the default/citation fees are paid in full on or before the hearing date, the court will:

- Present the document to the judge as a routine matter, without requiring the personal appearance in court by the attorney and/or fiduciary.

If the default/citation fees are not paid in full on or before the hearing date, the court will:

- Present the document to the judge within the context of a scheduled hearing, requiring the personal appearance in court of the attorney and/or fiduciary. During the court hearing, the judge will require the attorney and/or fiduciary to disclose the circumstances surrounding the failure to pay the default/citation fees, for appropriate action.

## **Order to Show Cause and Fee**

If a default and/or citation notice has been issued, and the subject document required by law has been filed in the court, and there has been a failure to pay the default/citation fees, and a Notice of Hearing has been sent to the attorney and/or fiduciary, and the attorney and/or fiduciary has failed to appear at the court hearing, the court will:

Issue an *Order to Show Cause* to the fiduciary; and  
Assess a \$50.00 Show Cause Fee.

Registers will send the *Order to Show Cause* to the fiduciary or agent by whatever means they presently find most appropriate. Registers will send the *Order to Show Cause* to the attorney and all other interested parties (except the fiduciary or agent) by First Class Mail.

For the purpose of this Bulletin, the filing of any document (entry of the document into the case management system) will stop the progression of the default/citation process, even if a fine has been assessed but not yet paid.

**Last Reviewed:** August 1, 2007

\_\_\_\_\_/s/ David D. King  
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Administrative Judge of Probate Court

### History:

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Effective August 1, 2001

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